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Korn/Ferry International

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID NOSAL,

Defendant.

Case No. CR-08-0237-EMC

DECLARATION OF PETER DUNN

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CR-08-0237-EMC

DECLARATION OF PETER DUNN

I, Peter Dunn, declare and state as follows:

1. I have personal knowledge of the facts set forth in this declaration and, if called to testify as a witness, could and would testify competently to the facts set forth below.

2. I am the General Counsel of Korn/Ferry International ("Korn/Ferry"). I have held this position since 2000. I have been employed with Korn/Ferry since 1981.

3. In approximately March 2005, Korn/Ferry launched an investigation into alleged wrongdoing by David Nosal ("Nosal") to ascertain whether he was violating the terms of an independent contractor agreement with Korn/Ferry. Towards the end of April/beginning of May 2005, however, the focus of the investigation shifted to potential theft of data from Korn/Ferry by Nosal and certain other current and former employees.

4. During each of May, June, and July 2005, I estimate that I spent approximately 60 hours per month, for a total of 180 hours, working with Korn/Ferry employees, outside counsel, and investigators retained by Korn/Ferry to investigate theft of data from Korn/Ferry by Nosal, Jacqueline Froehlich-L'Heureaux, Becky Christian, and Mark Jacobson.

5. In July 2005, Korn/Ferry notified the US Attorney's Office for the Northern District of California ("USAO") that it had uncovered evidence that Nosal was potentially involved in criminal activity. The USAO then launched an investigation with the Federal Bureau of Investigation ("FBI").

6. Since July 2005 to the present, I have assisted the government in its investigation and subsequent prosecution of Nosal. In that regard, I have participated in numerous telephone and in-person meetings with the USAO and the FBI. This has involved trips to San Francisco to meet with the USAO and FBI, as well as meetings in Los Angeles with the USAO and FBI at Korn/Ferry's offices. In addition, I have responded to numerous requests for information from the USAO and FBI. It is my understanding that many of these requests for information, data, and documents arose from allegations that Nosal made against Korn/Ferry during the course of the government's investigation. I have also worked with Korn/Ferry employees and outside counsel to respond to multiple subpoenas issued by the government and Nosal in the criminal matter, as

1 well as other requests for information and documents from the government. I was also a witness
2 in **the** criminal trial and attended meetings with the USAO and FBI in advance of testifying at the
3 criminal trial.


4 7. In order to estimate the amount of time that I have spent on this matter, I have
5 reviewed my Outlook calendar, reviewed e-mail correspondence, and reviewed other documents
6 related to this matter. Based on that review, I estimate that, from July 2005 to the present, I have
7 spent a total of approximately 355 hours assisting the government in its investigation and
8 subsequent prosecution of Nosal. This estimate does not include the additional time that I have
9 spent on **the** civil litigation between Korn/Ferry and Nosal and others (which was concluded in
10 May 2006), or the arbitration between Korn/Ferry and Nosal (which has been stayed since March
11 2007), or **investigating** this matter prior to the government's involvement.

12 8. The breakdown of my estimated hours spent assisting the government in its
13 investigation and subsequent prosecution of Nosal is as follows: approximately 60 hours from
14 July to **December** 2005; approximately 40 hours in 2006; approximately 15 hours in 2007;
15 approximately 20 hours in 2008; approximately 40 hours in 2009; approximately 20 hours in
16 2010; **approximately** 20 hours in 2011; approximately 20 hours in 2012; and approximately 120
17 hours to date in 2013.

18 9. Because I did not keep precise track of my time, and this matter has been ongoing
19 for more than eight years, this is an estimate only. I believe, however, that this is a conservative
20 estimate and that I likely spent more time than I have listed.

21 I declare under penalty of perjury under the laws of the United States of America that the
22 foregoing is true and correct.

23 Executed this 11th day of November 2013 at Los Angeles, California.

24 

25
26 Peter Dunn